IN THE CLAIMS:

1 .(currently amended) A process to enable the control of photolithographic feature size on structures having one or more severe non-flat topologies defining regions of concern for the purpose of performing successful photolithography thereon using photolithographic equipment defining a wavelength source, a numeric aperture, photoresist, and conformal deposition or depositions, the process comprising the steps of:

first determining a depth of focus from at least the wavelength of the source and the numeric aperture of the photolithographic equipment;

second determining a thickness of the photoresist being used;

third determining characteristics of the conformal ~~deposition~~ depositions being used;

evaluating ~~from~~ the above first, second, and third determinations,

determining from the evaluating one or more acceptable layout dimensions of the one or more severe non-flat topology regions of concern for satisfactory photolithographic processing wherein the regions of concern in the acceptable layout dimensions would be filled by depositions;

rearranging the layout dimensions of the present structures such that ~~forming a severe non-flat topology wherein~~ the layout dimensions ~~are changed, if necessary, to~~ comply with the one or more ~~acceptabe~~ acceptable layout dimensions~~.~~

2.(previously presented) The process as claimed in **Claim 1** wherein the step of evaluating said one or more layout dimensions of the one or more severe non-flat topologies includes comparing of the depth-of-focus of the particular photolithographic equip-

ment and the thickness of a photoresist film applied to the surface of the structure against the severity of the non-flat topologies.

3. (currently amended)The process as claimed in **Claim 1** wherein ~~a~~ the structure having a severe non-flat topology is a semiconductor structure and the step of forming the one or more severe non-flat topologies includes etching the semiconductor structure.

4. (currently amended)The process as claimed in **Claim 1** ~~wherein the step of forming a severe non-flat topologies includes~~further including the step of applying a conformal layer of material ~~on a structure having a severe non-flat topology including over the area of the formed one or more severe non-flat topologies~~onto the regions of concern..

5. (previosuly presented)The process as claimed in **Claim 4** wherein the step of applying said conformal layer of material includes applying a plurality of layers of conformal material on the structure having a severe non-flat topology including over the area of the formed one or more severe non-flat topologies.

6. (original)The process as claimed in **Claim 5** wherein one or more of said plurality of layers of conformal material is polysilicon.

7. (original)The process as claimed in **Claim 6** wherein one of said plurality of layers of conformal material is an insulative material.

8. (original)The process as claimed in **Claim 5** wherein said one or more of plurality of layers are applied in a blanket deposition.

9. (previously presented)The process as claimed in **Claim 4** further comprising the step of applying a layer of photoresist material over said conformal layer.

10. (currently amended) A structure having a surface for receiving a photoresist film suitable for exposure by photolithographic equipment, the structure comprising: regions of concern in one or more severe non-flat topologies, wherein each of said one or more severe non-flat topologies is formed in accordance with layout dimensions that are acceptable for photolithographic processing as determined as a function of operational characteristics of the photolithographic equipment, photoresist thickness, and conformal depositions, and a filler to substantially fill in said regions of concern.~~one or more severe non-flat topologies~~.

11. (original)The structure as claimed in **Claim 10** wherein the determination of said layout dimensions is made based upon comparing the depth-of-focus of the particular photolithographic equipment and the thickness of a photoresist film applied to the surface of the structure against the severity of the non-flat topologies.

12. (original)The structure as claimed in **Claim 10** wherein said one or more severe non-flat topologies are etched topologies.

13. (original)The structure as claimed in **Claim 10** wherein the structure is a semiconductor structure and said filler is formed of a conformal layer of material on the semiconductor structure including over the area of the one or more severe non-flat topologies.

14. (original)The structure as claimed in **Claim 13** wherein said conformal layer includes a plurality of layers of conformal material.

15. (original)The structure as claimed in **Claim 14** wherein one or more of said plurality of layers of conformal material is polysilicon.

16. (original)The structure as claimed in **Claim 15** wherein one of said plurality of layers of conformal material is an insulative material or a conductive material.

17. (original)The structure as claimed in **Claim 14** wherein one or more of said plurality of layers is applied in a blanket deposition.

18. (currently amended)A micro-electro mechanical system including a structure having a surface for receiving a photoresist film suitable for exposure by photolithographic equipment, the micro-electro mechanical system comprising: one or more severe non-flat topologies defining regions of concern, wherein each of said one or more severe non-flat topologies is formed with layout dimensions changed, if necessary, as determined as a function of operational characteristics of the photolithographic equipment, photoresist thickness, and conformal depositions, and a filler to substantially fill in said regions of concern.~~one or more severe non-flat topologies~~.

19. (original)The device as claimed in **Claim 18** wherein said structure forms a portion of a mirror system.

20. (original)The device as claimed in **Claim 18** wherein said structure forms a portion of a pump system.

21. (original)The device as claimed in **Claim 18** wherein said structure forms a portion of a pressure sensor system.

22. (original)The device as claimed in **Claim 18** wherein said structure forms a portion of a chemical sensor system.

23. (original)The device as claimed in **Claim 18** wherein said structure forms a portion of an accelerometer system.

24. (previously presented)The device as claimed in **Claim 18** wherein said structure forms a portion of a micro sized medical implement .